

# Exhibit J #16

The City of Detroit's December 07, 2007,  
Response to the Free Press'  
Second FOIA Request



CITY OF DETROIT  
LAW DEPARTMENT

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December 7, 2007

Jim Schaefer  
Staff Writer  
Detroit Free Press  
600 West Fort Street  
Detroit, Michigan 48226

RE: Freedom of Information Act Request No. A32250.020773 Dated November 13, 2007 Concerning Settlement Agreements in Brown and Nelthrope v Mayor Kilpatrick and the City of Detroit and Harris v Mayor Kilpatrick and the City of Detroit

Dear Mr. Schaefer:

This letter serves as the City of Detroit's response to the above-referenced matter. Your letter was received at the City of Detroit Law Department Freedom of Information Section, via e-mail and facsimile, on November 13, 2007. Because your letter was received by e-mail and facsimile, your request is deemed, pursuant to Section 5(1) of the Michigan Freedom of Information Act, as amended, being MCL 15.235(1), to have been received at the Law Department on the next business day, November 14, 2007. In accordance with Section 5(2)(d) of the Michigan Freedom of Information Act, as amended, being MCL 15.235(2)(d), we sent a letter on November 19, 2007 extending the City's time to respond to today.

Your letter requests:

"The entire settlement agreements in the two separate Wayne County Circuit Court lawsuits between the above-mentioned parties [Brown and Nelthrope v Mayor Kilpatrick and the City of Detroit and Harris v Mayor Kilpatrick and the City of Detroit]. This request includes but is not limited to all documents, attachments, exhibits, notes or other information related to the conclusion of the cases. This request includes any and all documents that the City or its lawyers may consider or have labeled 'confidential.' It also includes but is not limited to all such documents or records produced by or for city officials, staff attorneys or lawyers contracted by the city."

Your request is granted in part and denied in part, pursuant MCL 15.243(1)(d) and (g), for the reasons, respectively, that the memoranda to the Detroit City Council pertaining to the settlements are exempt from disclosure under the Michigan Open Meetings Act and that they are exempt from ~~disclosure under the attorney-client privilege~~

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KWAME M. KILPATRICK, MAYOR



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The record consists of nine (9) pages. Enclosed please find one (1) copy of the same. Because the enclosed record comprises less than ten (10) pages, no copying costs have been assessed.

Please be advised that, pursuant to Section 10 of the Michigan Freedom of Information Act, being MCL 15.240, a person receiving a written denial of a request may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word "appeal" and identify the reason or reasons for reversal of the denial. MCL 15.240(1)(a); or
- 2) Commence an action in the circuit court to compel the disclosure of the public records within 180 days after the public body's denial of the request. MCL 15.240(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees and /or costs. MCL 15.240(6) and (7).

Very truly yours,

Ellen Ha, Supervising  
Assistant Corporation Counsel  
Freedom of Information Section  
(313) 237-5067

EH/